

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Bankr. No. 15-43828

James Alan Rother,

Debtor.

AFFIDAVIT OF MATTHEW R. BURTON

STATE OF MINNESOTA)
)
) ss.
COUNTY OF HENNEPIN)

1. I am the attorney for J. Richard Stermer, the duly-appointed Chapter 7 Trustee (“Trustee”) of the Estate of James Alan Rother.
2. Attached hereto as Exhibit 1 is the subpoena served upon Debtor James Rother by the Trustee.
3. This filing is made to supplement the record for the Trustee’s sanctions motion scheduled for later today.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: February 2, 2017

s/ Matthew R. Burton
Matthew R. Burton

United States Bankruptcy Court
District Of Minnesota

In re James Alan Rother,
Debtor

SUBPOENA FOR RULE 2004 EXAMINATION

Case No. ¹15-43828

To: James Alan Rother
1309 Atlantic Ave
Kerkhoven, MN 56252

Chapter 7

YOU ARE COMMANDED to appear and testify at an examination under Rule 2004, Fed. R. Bankr. P., at the place, date, and time specified below. A copy of the court order authorizing the examination is attached.

PLACE OF TESTIMONY	DATE AND TIME
Stermer & Sellner, Chtd., 102 Parkway Drive, Montevideo, MN 56265	Tuesday, November 29, 2016 at 9:00 a.m.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Exhibit #1

PLACE	DATE AND TIME
Stermer & Sellner, Chtd., 102 Parkway Drive, Montevideo, MN 56265	Wed., November 23, 2016 at 12:00 p.m.

ISSUING OFFICER SIGNATURE AND TITLE	DATE AND TIME
<u>151</u>	<u>11-8-16</u>

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
J. Richard Stermer, Trustee
102 Parkway Drive, P.O. Box 514, Montevideo, MN 56265 (320) 269-6491

¹ If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

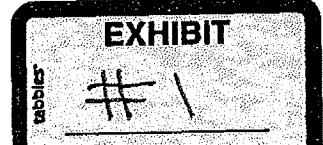


Exhibit #1

James Alan Rotherers 2004 Examination
Request for Production of Documents

1. Copy of Debtor's Divorce File No. 76-FA-14-39
 - a. Including but not limited to copies of all pleadings, court orders, discovery exchanges whether informal or formal
2. 2015 Tax Returns
3. Real Property
 - a. List of all real property owned by James Alan Rotherers and its current use.
 - b. Property tax statements from all real property owned by James Alan Rotherers.
4. Herman's Holding Company
 - a. All corporate documents, including but limited to Articles of Incorporation, By-Laws, and Share Certificate
 - b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
 - c. All tax documents from 2014, 2015, and 2016
 - d. All bank statements from 1/1/2015 to 10/1/2016
 - e. Documentation regarding any property owned by business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.
 - f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.
5. Remar Construction LLC a/k/a Remar Const. LLC
 - a. All corporate documents, including but limited to Articles of Organization, By-Laws, and Membership Documents
 - b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
 - c. All tax documents from 2014, 2015, and 2016
 - d. All bank statements from 1/1/2015 to 10/1/2016
 - e. Documentation regarding any property owned by business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.

f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.

6. West Central Construction

- a. All corporate documents, including but limited to Articles of Incorporation, By-Laws, and Share Certificates
- b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
- c. All tax documents from 2014, 2015, and 2016
- d. All bank statements from 1/1/2015 to 10/1/2016
- e. Documentation regarding any property owned by business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.
- f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.

7. ABC Bin Company (whether in SD, MN, or IA)

- a. All corporate documents, including but limited to Articles of Incorporation, By-Laws, and Share Certificates
- b. Balance Sheets, Profit and Loss Statements, and Minutes from 1/1/14 to 10/1/16
- c. All tax documents from 2014, 2015, and 2016
- d. All bank statements from 1/1/2015 to 10/1/2016
- e. Documentation regarding any property owned by the business, including but not limited to vehicle titles, real property deeds, accounts receivable, service contracts, etc.
- f. Documentation regarding any property transfers that took place either from or to the business from 1/1/13 to 10/1/16.
- g. Documentation regarding the alleged Debt owed to ABC Bin Company by Debtor and transfer of property to the company
 - i. Including documents signed by Mr. Rother's employer regarding any debts and transfers

8. Copy of Debtor's Civil Court File No. 76-CV-16-169

- a. Including but not limited to copies of all pleadings, court orders, and discovery exchanges, whether informal or formal

9. Copy of Debtor's Civil Court File No. 76-CV-14-354
 - a. Including but not limited to copies of all pleadings, court orders, and discovery exchanges, whether informal or formal
10. Documentation regarding 2013 Mustang Shelby GT500
 - a. Transfer documents regarding transfer to Stephanie Voxland in 2014
 - b. Documentation regarding any proof of payment
 - c. Documentation regarding value of vehicle now and at the time of the transfer
11. Documentation regarding 2011 Chevy Camaro
 - a. Transfer documents regarding transfer to Heather Rose Rotherers in 2014
 - b. Documentation regarding any proof of payment
 - c. Documentation regarding value of vehicle now and at the time of transfer
12. Documentation regarding a 2015 Polaris Slingshot, 2014 Ford F250, and 1999 Tractor Truck Mack CL700
 - a. Including titles and documentation regarding any transfers
13. Documentation including titles, transfer documents, and proof of payment for the following vehicles
 - a. 2013 Harley Davidson FLSTC
 - b. 2013 Ford F350
 - c. 2014 Ford F350
 - d. 2013 Harley Davidson Flhrse
 - e. 2 – 2007 International Trailers
 - f. 2012 Alma Trailer
 - g. 2009 Maxy Trailer
 - h. 2007 Northern Roadster Trailer
 - i. 2013 Triumph Trailer
 - j. 2012 Ford F150
 - k. 2013 Chevrolet Silverado